

§ 203.0

203.4 How do the provisions in this part apply to different types of leases and projects?

Subpart B—OCS Oil, Gas, and Sulfur General

ROYALTY RELIEF FOR END-OF-LIFE LEASES

- 203.50 Who may apply for end-of-life royalty relief?
- 203.51 How do I apply for end-of-life royalty relief?
- 203.52 What criteria must I meet to get relief?
- 203.53 What relief will MMS grant?
- 203.54 How does my relief arrangement for an oil and gas lease operate if prices rise sharply?
- 203.55 Under what conditions can my end-of-life royalty relief arrangement for an oil and gas lease be ended?
- 203.56 Does relief transfer when a lease is assigned?

ROYALTY RELIEF FOR DEEP WATER EXPANSION PROJECTS AND PRE-ACT DEEP WATER LEASES

- 203.60 Who may apply for deep water royalty relief?
- 203.61 How do I assess my chances for getting relief?
- 203.62 How do I apply for relief?
- 203.63 Does my application have to include all leases in the field?
- 203.64 How many applications may I file on a field?
- 203.65 How long will MMS take to evaluate my application?
- 203.66 What happens if MMS does not act in the time allowed under §203.65, including any extensions?
- 203.67 What economic criteria must I meet to get royalty relief on an authorized field or expansion project?
- 203.68 What pre-application costs will MMS consider in determining economic viability?
- 203.69 If my application is approved, what royalty relief will I receive?
- 203.70 What information must I provide after MMS approves relief?
- 203.71 How does MMS allocate a field's suspension volume between my lease and other leases on my field?
- 203.72 Can my lease receive more than one suspension volume?
- 203.73 How do suspension volumes apply to natural gas?
- 203.74 When will MMS reconsider its determination?
- 203.75 What risk do I run if I request a re-determination?
- 203.76 When might MMS withdraw or reduce the approved size of my relief?
- 203.77 May I voluntarily give up relief if conditions change?

30 CFR Ch. II (7–1–00 Edition)

- 203.78 Do I keep relief if prices rise significantly?
- 203.79 How do I appeal MMS's decisions related to Deep Water Royalty Relief?

REQUIRED REPORTS

- 203.81 What supplemental reports do royalty-relief applications require?
- 203.82 What is MMS's authority to collect this information?
- 203.83 What is in an administrative information report?
- 203.84 What is in a net revenue and relief justification report?
- 203.85 What is in an economic viability and relief justification report?
- 203.86 What is in a G&G report?
- 203.87 What is in an engineering report?
- 203.88 What is in a production report?
- 203.89 What is in a deep water cost report?
- 203.90 What is in a fabricator's confirmation report?
- 203.91 What is in a post-production development report?

Subpart C—Federal and Indian Oil [Reserved]

Subpart D—Federal and Indian Gas [Reserved]

Subpart E—Solid Minerals, General [Reserved]

Subpart F—Coal

- 203.250 Advance royalty.
- 203.251 Reduction in royalty rate or rental.

Subpart G—Other Solid Minerals [Reserved]

Subpart H—Geothermal Resources [Reserved]

Subpart I—OCS Sulfur [Reserved]

AUTHORITY: 25 U.S.C. 396 *et seq.*; 25 U.S.C. 396a *et seq.*; 25 U.S.C. 2101 *et seq.*; 30 U.S.C. 181 *et seq.*; 30 U.S.C. 351 *et seq.*; 30 U.S.C. 1001 *et seq.*; 30 U.S.C. 1701 *et seq.*; 31 U.S.C. 9701; 43 U.S.C. 1301 *et seq.*; 43 U.S.C. 1331 *et seq.*; and 43 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

SOURCE: 63 FR 2616, Jan. 16, 1998, unless otherwise noted.

§ 203.0 What definitions apply to this part?

Authorized field means a field in a water depth of at least 200 meters and

in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude from which no current pre-Act lease produced, other than test production, before November 28, 1995.

Complete application means an original and two copies of the six reports consisting of the data specified in 30 CFR 203.81, 203.83 and 203.85 through 203.89, along with one set of digital information, which MMS has reviewed and found complete.

Determination means the binding decision by MMS on whether your field qualifies for relief or how large a royalty-suspension volume must be to make the field economically viable.

Draft application means the preliminary set of information and assumptions you submit to seek a nonbinding assessment on whether a field could be expected to qualify for royalty relief.

Eligible lease means a lease that results from a lease sale held after November 28, 1995; is located in the Gulf of Mexico (GOM) in water depths 200 meters or deeper; lies wholly west of 87 degrees, 30 minutes West longitude; and is offered subject to a royalty-suspension volume authorized by statute.

Expansion project means a project you propose in a Development Operations Coordination Document (DOCD) or a Supplement approved by the Secretary of the Interior after November 28, 1995, that will increase the ultimate recovery of resources from a pre-Act lease and that involves a substantial capital investment (e.g., fixed-leg platform, subsea template and manifold, tension-leg platform, multiple well project, etc.).

Fabrication (or start of construction) means evidence of irreversible commitment to a concept and scale of development, including copies of a binding contract between you (as applicant) and a fabrication yard, a letter from a fabricator certifying that construction has begun, and a receipt for the customary down payment.

Field means an area consisting of a single reservoir or multiple reservoirs all grouped on, or related to, the same general geological structural feature or stratigraphic trapping condition. Two or more reservoirs may be in a field, separated vertically by intervening im-

pervious strata or laterally by local geologic barriers, or both.

Lease means a lease or unit.

New production means any production from a current pre-Act lease from which no royalties are due on production, other than test production, before November 28, 1995. Also, it means any production resulting from lease-development activities involving a substantial capital investment (e.g., fixed-leg platform, subsea template and manifold, tension-leg platform, multiple well project, etc.) on a current pre-Act lease under a Development Operations Coordination Document—or its supplement—approved by the Secretary of the Interior after November 28, 1995.

Nonbinding assessment means an opinion by MMS of whether your field could qualify for royalty relief. It is based on your draft application and does not entitle the field to relief.

Performance conditions means minimum conditions you must meet, after we have granted relief and before production begins, to remain qualified for that relief. If you do not meet each one of these performance conditions, we consider it a change in material fact significant enough to invalidate our original evaluation and approval.

Pre-Act lease means a lease issued as a result of a lease sale held before November 28, 1995; in a water depth of at least 200 meters; and in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude.

Production means all oil, gas, and other relevant products you save, remove, or sell from a tract or those quantities allocated to your tract under a unitization formula, as measured for the purposes of determining the amount of royalty payable to the United States.

Project means any activity that requires at least a permit to drill.

Redetermination means your request for us to reconsider our determination on royalty relief if we have rejected your application or if we have granted relief but you want a larger suspension volume.

Renounce means action you take to give up relief after we have granted it and before you start production.

§ 203.1

30 CFR Ch. II (7–1–00 Edition)

Sunk costs means costs (as specified in 30 CFR 203.89(a)) of exploration, development, and production that you incur after the date of first discovery on the field and before the date we receive your complete application for royalty relief. Sunk costs include the costs of the discovery well qualified as producible under 30 CFR part 250, subpart A but do not include any pre-discovery activity costs or lease acquisition and holding costs such as cash bonus and rental payments.

Withdraw means action we take on a field that has qualified for relief if you have not met one or more of the performance conditions.

§ 203.1 What is MMS's authority to grant royalty relief?

The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1337, as amended by the OCS Deep Water Royalty Relief Act (DWRRA), Public Law 104-58, authorizes us to grant royalty relief in three situations.

(a) Under 43 U.S.C. 1337(a)(3)(A), we may reduce or eliminate any royalty or a net profit share specified for an OCS lease to promote increased production.

(b) Under 43 U.S.C. 1337(a)(3)(B), we may reduce, modify, or eliminate any royalty or net profit share to promote development, increase production, or

encourage production of marginal resources on certain leases or categories of leases. This authority is restricted to leases in the Gulf of Mexico (GOM) that are west of 87 degrees, 30 minutes West longitude.

(c) Under 43 U.S.C. 1337(a)(3)(C), we may suspend royalties for designated volumes of new production from any lease if:

(1) Your lease is in deep water (water at least 200 meters deep);

(2) Your lease is in designated areas of the GOM (west of 87 degrees, 30 minutes West longitude);

(3) Your lease was acquired in a lease sale held before the DWRRA (before November 28, 1995);

(4) We find that your new production would not be economic without royalty relief; and

(5) Your lease is on a field that did not produce before enactment of the DWRRA, or if you propose a project to significantly expand production under a Development Operations Coordination Document (DOCD) or a supplementary DOCD, that MMS approved after November 28, 1995.

§ 203.2 When can I get royalty relief?

We can reduce or suspend royalties for OCS leases or projects that meet the criteria in the following table.

IF YOU HAVE A LEASE—	AND IF YOU—	THEN YOU MAY BE GRANTED—
That generates earnings which cannot sustain production (<i>End-of-Life lease</i>),.	Seek to increase production by operating the lease beyond the point at which it is economic under the existing royalty rate,.	A reduced royalty rate on current production flows along with a higher royalty rate on some additional production flows.
In designated areas of the deep water GOM, acquired in a lease sale held before November 28, 1995, and you propose activity in a DOCD or supplement to significantly expand production,.	Are producing and seek to increase ultimate recovery of resources from the field with a substantial investment (e.g., platform, multiple wells, subsea template) (an <i>expansion project</i>),.	A royalty suspension for an increment to production large enough to make the project economic.
In designated areas of the deep water GOM, acquired in a lease sale held before November 28, 1995 (<i>pre-Act lease</i>),.	Are on a field from which no current pre-Act lease produced (other than test production) before November 28, 1995 (<i>authorized field</i>),.	A royalty suspension for a minimum production volume plus any additional volume needed to make the field economic.

§ 203.3 Why must I pay a fee to request royalty relief?

(a) When you submit an application or ask for a preview assessment, you must include a fee to reimburse us for our costs of processing your application or assessment. Federal policy and law require us to recover the cost of services that confer special benefits to

identifiable non-Federal recipients. The Independent Offices Appropriation Act (31 U.S.C. 9701), Office of Management and Budget Circular A-25, and the Omnibus Appropriations Bill (Pub. L. 104-133, 110 Stat. 1321, April 26, 1996) authorize us to collect these fees.

(b) We will specify the necessary fees for each of the types of royalty-relief applications and possible MMS audits